

6/9/08

(16)

Christine Joyce

From: Roland Bartl
Sent: Tuesday, June 03, 2008 5:20 PM
To: Steve Ledoux; Manager Department
Subject: FW: BOA Hearing July 7

Steve:

Could you please put this on the next Selectmen's agenda. The issue is set out in rough outlines below.

Ken Kozik's term on the ZBA (Zoning Board of Appeals) is about to end on June 30. He is up against the sunset clause, and he is not ready to serve another term in any case.

However, the ZBA has a difficult time gathering enough members for a hearing scheduled on July 7. Ken is willing to serve as a member of the ZBA beyond June 30 for the specific purpose of hearing the variance application of Autoplex (Bertolami) for 50 Powder Mill Road - the other end of the doll-house lot - and until the proceedings on the application are closed. This would enable the ZBA to hear and act with a full slate of 3 members. As an added plus, Ken is quite familiar with the specifics of the site.

I recommend that the Board of Selectmen reappointing Kenneth Kozik to the Board of Appeals for a term that is limited in time from July 1 to the closure of all proceedings related to the variance application #08/03 not including any potentially ensuing litigation, and with the limited scope of sitting on, hearing, and acting on the variance application #08-03.

Because the ZBA is a by Charter a board with 3 regular members and 3 associates, and because all other positions are filled a replacement appointment for Ken could not begin his/her term until Ken's term has come to closure. I don't expect it to take too long.

Regards -

*Roland Bartl, AICP
Planning Director, Town of Acton
472 Main Street
Acton, MA 01720
978-264-9636*

-----Original Message-----

From: Kenneth Kozik
Sent: Tuesday, June 03, 2008 12:10 PM
To: Roland Bartl
Cc: Kenneth Kozik; Cheryl Frazier
Subject: RE: BOA Hearing July 7

Roland,

Always happy to be of service. I am most familiar with the history and the posturing of this petitioner. See you on July 7, 2008, at 7:30 PM in town hall.

Ken

From: Roland Bartl [mailto:rbartl@acton-ma.gov]
Sent: Tuesday, June 03, 2008 12:04 PM
To: Kozik, Ken (Shld-Bos-IP/Tech)

6/4/2008

Subject: FW: BOA Hearing July 7

Ken:

This hearing on the Autoplex (Leo Bertolami) variance petition has been postponed already twice, although it was not the Board's problem the last couple of times. Cheryl and I steered for the July 7 date because it had been already prescheduled. As it turns out only Cara and Rich are available on that day.

Rather than to reschedule again, I am wondering if you would be open to a time limited re-appointment for just this matter to last until it is closed.

To recall, Leo Bertolami had asked the Board of Appeals some time last year to overturn the BC's ruling that car storage is not allowed at 50 Powder Mill Road. The Board upheld the BC's ruling and Leo appealed to land court, where it now sits.

The variance application is about the same matter with a different approach angle.

Please let me know. If you agree I will forward it as a suggestion to the Board of Selectmen.

Thanks

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